

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

St. Paul Travelers Companies, Inc.

# Daisy Construction Company

**(b) COUNTY RESIDENCE OF FIRST LISTED PLAINTIFF** Ramsey County, MN &  
New Castle County, DE  
**(EXCEPT IN U.S. PLAINTIFF CASES)**

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Maryanne Donaghy, Stradley, Ronon Stevens & Young, LLP, 300 Delaware Avenue, Suite 800, P.O. Box 2170, Wilmington, DE (302) 576-5850, for St. Paul Travelers Companies, Inc., and

Edward Seglias, Cohen, Seglias, Pallas, Greenhall & Furman, P.C., Nemours Building, 1007 Orange Street, Suite 205, Wilmington, DE 19801 (302) 425-5089, for Daisy Construction Company

## DEFENDANTS

Walpar, Inc.

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT** Jefferson County, AL  
**(IN U.S. PLAINTIFF CASES ONLY)**

**NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED**

**ATTORNEYS (IF KNOWN)**

James S. Roberts, Townes, Woods, & Roberts, P.C., P.O. Box 96-717 Kerr Drive,  
Gardendale, AL 39071 (205) 631-4019

## II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- |                          |   |                           |                                     |   |   |
|--------------------------|---|---------------------------|-------------------------------------|---|---|
| <input type="checkbox"/> | 1 | U.S. Government Plaintiff | <input type="checkbox"/>            | 3 | Federal Question (U.S. Government Not a Party)          |
| <input type="checkbox"/> | 2 | U.S. Government Defendant | <input checked="" type="checkbox"/> | 4 | Diversity (Indicate Citizenship of Parties in Item III) |

### III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/>	1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT:** (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110	Insurance	<b>PERSONAL INJURY</b>		<input type="checkbox"/> 610	Agriculture	<input type="checkbox"/> 422	Appeal	<input type="checkbox"/> 400	State
<input type="checkbox"/> 120	Marine	<input type="checkbox"/> 310	Airplane	<input type="checkbox"/> 620	Other Food & Drug	<input type="checkbox"/> 28 USC 158		<input type="checkbox"/> 410	Reappointment
<input type="checkbox"/> 130	Miller Act	<input type="checkbox"/> 315	Airplane Product Liability	<input type="checkbox"/> 625	Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 423	Withdrawal 28 USC 157	<input type="checkbox"/> 430	Antitrust
<input type="checkbox"/> 140	Negotiable Instrument	<input type="checkbox"/> 320	Assault, Libel & Slander	<input type="checkbox"/> 365	Personal Injury — Product Liability	<b>PROPERTY RIGHTS</b>		<input type="checkbox"/> 450	Banks and Banking
<input type="checkbox"/> 150	Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330	Federal Employers' Liability	<input type="checkbox"/> 368	Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820	Copyrights	<input type="checkbox"/> 460	Commerce/ICC Rates/etc.
<input type="checkbox"/> 151	Medicare Act	<input type="checkbox"/> 340	Marine	<b>PERSONAL PROPERTY</b>		<input type="checkbox"/> 830	Patent	<input type="checkbox"/> 470	Deportation
<input type="checkbox"/> 152	Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345	Marine Product Liability	<input type="checkbox"/> 370	Other Fraud	<b>SOCIAL SECURITY</b>		<input type="checkbox"/> 480	Racketeer Influenced and Corrupt Organizations
		<input type="checkbox"/> 350	Motor Vehicle	<input type="checkbox"/> 371	Truth in Lending	<input type="checkbox"/> 840	Trademarks	<input type="checkbox"/> 490	Consumer Credit
<input type="checkbox"/> 153	Recovery of Overpayment of Veteran's Benefit	<input type="checkbox"/> 355	Motor Vehicle Product Liability	<input type="checkbox"/> 380	Other Personal Property Damage	<input type="checkbox"/> 861	HIA (1395f)	<input type="checkbox"/> 490	Cable/Sat TV
<input type="checkbox"/> 160	Stockholders' Suits	<input type="checkbox"/> 360	Other Personal Injury	<input type="checkbox"/> 385	Property Damage Product Liability	<input type="checkbox"/> 862	Black Lung (923)	<input type="checkbox"/> 510	Selective Service
<input checked="" type="checkbox"/> 190	Other Contract			<b>LABOR</b>		<input type="checkbox"/> 863	DIWC/DIWW (405(g))	<input type="checkbox"/> 850	Securities/Commodities/Exchange
<input type="checkbox"/> 195	Contract Product Liability			<input type="checkbox"/> 710	Fair Labor Standards Act	<input type="checkbox"/> 864	SSID Title XVI	<input type="checkbox"/> 875	Customer Challenge
<input type="checkbox"/> 196	Franchise			<input type="checkbox"/> 720	Labor/Mgmt. Relations	<input type="checkbox"/> 865	RSI (405(g))	<input type="checkbox"/> 890	12 USC 3410
<b>REAL PROPERTY</b>		<b>CIVIL RIGHTS</b>		<b>PRISONER PETITIONS</b>		<b>FEDERAL TAX SUITS</b>		<input type="checkbox"/> 890	Other Statutory Actions
<input type="checkbox"/> 210	Land Condemnation	<input type="checkbox"/> 441	Voting	<input type="checkbox"/> 510	Motions to Vacate Sentence	<input type="checkbox"/> 870	Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 891	Agricultural Acts
<input type="checkbox"/> 220	Foreclosure	<input type="checkbox"/> 442	Employment	<input type="checkbox"/> 530	Habeas Corpus: General	<input type="checkbox"/> 871	IRS — Third Party 26 USC 7609	<input type="checkbox"/> 892	Economic Stabilization Act
<input type="checkbox"/> 230	Rent Lease & Ejectment	<input type="checkbox"/> 443	Housing/ Accommodations	<input type="checkbox"/> 535	Death Penalty			<input type="checkbox"/> 893	Environmental Matters
<input type="checkbox"/> 240	Torts to Land	<input type="checkbox"/> 444	Welfare	<input type="checkbox"/> 540	Mandamus & Other			<input type="checkbox"/> 894	Energy Allocation Act
<input type="checkbox"/> 245	Tort Product Liability	<input type="checkbox"/> 446	Amer. w/Disabilities - Other	<input type="checkbox"/> 550	Other Prison Condition			<input type="checkbox"/> 895	Freedom of Information Act
<input type="checkbox"/> 290	All Other Real Property	<input type="checkbox"/> 440	Other Civil Rights	<input type="checkbox"/> 555		<input type="checkbox"/> 730	Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 900	Appeal of Fee Determination Under Equal Access to Justice
						<input type="checkbox"/> 740	Railway Labor Act	<input type="checkbox"/> 950	Constitutionality of State Statutes
						<input type="checkbox"/> 790	Other Labor Litigation		
						<input type="checkbox"/> 791	Empl. Ret. Inc. Security Act		

## V. ORIGIN

555 Prison Condition |  
(PLACE AN x IN ONE BOX ONLY)

- |                                       |                     |                            |                          |                            |                               |                            |                        |                            |   |                            |                          |                            |                                |
|---------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|-------------------------------|----------------------------|------------------------|----------------------------|---|----------------------------|--------------------------|----------------------------|--------------------------------|
| <input checked="" type="checkbox"/> 1 | Original Proceeding | <input type="checkbox"/> 2 | Removed from State Court | <input type="checkbox"/> 3 | Remanded from Appellate Court | <input type="checkbox"/> 4 | Reinstated or Reopened | <input type="checkbox"/> 5 | Transferred from another district (specify) | <input type="checkbox"/> 6 | Multidistrict Litigation | <input type="checkbox"/> 7 | Judge from Magistrate Judgment |
|---------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|-------------------------------|----------------------------|------------------------|----------------------------|---|----------------------------|--------------------------|----------------------------|--------------------------------|

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1332

**Brief Description of Cause:**

Action for declaratory judgment relating to a dispute involving a surety bond

## VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION

**Declaratory relief for dispute involving an amount in excess of \$75,000, exclusive of interest and costs**

**Check YES only if demanded in complaint:**

☐ UNDER F.R.C.P. 23

**JURY DEMAND:**      ☐ YES      ☐ NO

**VIII. RELATED CASE(S)** (See instructions):  
**IF ANY**

JUDGE	DOCKET NUMBER

December 20, 2005

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_  
 RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ FOR OFFICE USE ONLY \_\_\_\_\_  
 APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

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